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MOSCOW FOR S/SRAP HOLBROOKE

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TAGS: [PREL](#) [PGOV](#) [KDEM](#) [AF](#)
SUBJECT: 2010 ELECTIONS: OPEN TO DEBATE

Classified By: Deputy Ambassador Francis Ricciardone, Reasons 1.4 (b),
(d)

¶1. (SBU) Summary: Decisions must be made rapidly regarding the date for the Parliamentary, District Council, and Mayoral elections scheduled for 2010. The USG, UNAMA, and other donors must debate the pros and cons regarding holding the elections as scheduled in the spring, delaying them until summer or fall, or delaying them by a full two years to allow for a much-needed elections process overhaul. If the international community allows the Independent Electoral Commission (IEC) to make a unilateral declaration on the date, before this debate has concluded, it will be extremely difficult to walk back. The Embassy recommends that the options - paras 12-15 - be weighed carefully, and soon, in view of the need for significant reform. End Summary.

Facts

¶2. (U) The Constitution mandates elections for the Lower House of Parliament 30 to 60 days before June 21, 2010. District Council elections were mandated for 2005 but were postponed due to existing conditions at the time. They are slated for 2010 but their timing is not actually stipulated in the Constitution. The Independent Directorate of Local Governance (IDLG) has also begun discussions on holding not only District Council but also Mayoral elections in 2010, though there is no mention of Mayoral elections in the existing Electoral Law. At a November 16 meeting the IDLG's National Specialist for Local Elections told Poloff that the IDLG is not currently planning to proceed with Mayoral elections.

3, (U) Seat allocations for Parliament and District Councils are made based on population figures but there is no clear consensus on how many Afghans live where. Afghanistan has not conducted a census since 1979. The CIA amended its estimate for the total number of Afghans from 33.6 million downward by 5.2 million to 28.4 million on its World Factbook website after acknowledging that it was using outdated statistics provided by the U.S. Population and Census Bureau. The Central Statistics Office of Afghanistan itself estimates the population at 23.9 million when refugees outside Afghanistan are excluded. Various UN sources estimate the number in the range of 22 to 26 million.

Problems

¶4. (U) Numerous issues must be resolved for either Parliamentary, District Council, or Mayoral elections to take place. Candidate vetting, voter registration, IEC capacity and credibility, Afghanistan's distorted electoral system, and UNDP ELECT capacity remain systemic issues that have yet to be resolved from the planning period for the 2009 elections. The Electoral Law is deeply flawed but cannot, according to the Constitution, be changed the same year as a Parliamentary election.

¶15. (U) District Councils are also an issue because of their newness--the role of District Councils remains undefined because the legislation governing it has yet to pass. Beyond this, in 28 of Afghanistan's 34 provinces there is at least one disputed district boundary. Also, because District Councils have never existed before, potential candidates and voters will require significant civic education on the function of District Councils before elections can be conducted.

¶16. (S) The IEC is in no way independent. It is led by a Commission that appears to work very closely with the Karzai government. The IEC has repeatedly flouted attempts by the international community to mitigate fraud or to force the investigation and acknowledgment of fraud. At a November 10 Donors meeting, UNDP ELECT's Chief Electoral Advisor pointed out that the pace of Afghanizing the elections may need to be re-evaluated.

¶17. (S) Weak candidate vetting procedures in 2009 allowed numerous alleged criminals to sit for election to Provincial Councils. As a result, we are now faced with major fraud in the August 20 Provincial Council election, worse than the fraud seen in the Presidential election. There will likely be thousands of Parliamentary candidates requiring vetting and tens of thousands of District Council and Mayoral candidates requiring vetting in advance of these elections. The IEC estimates there would be on the order of 10,000 candidates needing vetting for the approximately 3,000 district council seats to be contested. The IEC and ECC must change their internal procedures and all agencies of the USG

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must engage with UNAMA on improving the inclusivity of the Disarmed Illegally Armed Groups (DIAG) list, currently the primary tool for candidate vetting.

¶18. (S) There is no means to conduct adequate voter registration by either the summer of 2010 or the fall of 2010. A registration of new 18 year olds will be complicated and probably more expensive than is justifiable given that the rest of the country's eligible voters would still be dependent on the previous, irretrievably fraudulent, voter registration lists. 17 million voter registration cards have been distributed since 2004 but even high-level IEC officials admit that there are likely only 15 million actual voters. The IEC fears that yet another partial registration would produce cumulative voter rolls nearing, if not exceeding, the country's total population, and seriously undercutting the credibility of elections based on those voter rolls. Voter registration has also only been done to the provincial level, meaning that for district council and mayoral elections, new nationwide voter registration would be needed that incorporates district and village identification data to avoid multiple vote-casting.

¶19. (U) Afghanistan's voting system hampers effective governance, and is another key area of reform. The single non-transferable vote system (SNTV) consists of multi-member constituencies (such as provinces) in which voters only vote for one candidate rather than for the number of open seats. SNTV can produce wildly varying results that do not accurately reflect the will of the people. The system undermines political parties (which was its underlying attraction to Karzai) since personal popularity holds sway. The only political entities that do possess the necessary sophistication to work the SNTV system are local strongmen and their supporters. In the larger provinces this system requires huge, unwieldy ballots of hundreds of candidates that intimidate and confuse the voters. Only Vanuatu, the Pitcairn Islands, and Jordan use SNTV besides Afghanistan. Japan used it and dropped it for all the reasons described above. Almost any system would be better than SNTV, and changing it would only require amendment of the Electoral Law.

¶10. (C) UNDP ELECT, the international community's

implementing partner, has substantial problems of its own. As an implementing organization it has proven either unwilling or unable to provide donors with descriptions of how money is being spent or how much money is left in the basket of donor funds created in 2008. The Chief Electoral Advisor has kept key information from donors and has generally refused to accept donor input at critical junctures of the process, in particular with fraud mitigation. The recently-released UN-funded external evaluation of its own performance in Afghanistan was highly critical. The UN remains the implementing body most able to 1) maintain a neutral international identity and 2) disperse vast amounts of money, but issues of leadership and implementation require serious review by donors. The UN is currently evaluating its posture in Afghanistan following the October 28 attacks on their guesthouse.

Options

¶11. (U) Elections will be difficult and expensive no matter when they are held. Afghanistan's geography and insecurity present major challenges to any large operation. There are three options that should be debated: 1) hold the elections in the spring, as directed by the Constitution; 2) hold the elections a few months later to allow for better weather and security conditions; 3) hold the elections after a delay of two years to allow crucial reforms to be enacted.

¶12. (C) Holding the elections on time would conform to the Constitution. However, there will be no time for adequate voter registration of any kind, possibly not even for new 18 year olds. It is unlikely that District Council elections in any form could therefore be organized. This is the principal reason the IEC is strongly leaning toward a formal decision that district council elections cannot be held in 2010. Moreover, there will be little time for IEC reform or ECC restructuring. It is highly unlikely that adequate vetting of the thousands of Parliamentary candidates, let alone District Council candidates, could take place by this time.

¶13. (S) If elections are delayed until either late summer or fall, some of the above problems would be mitigated but many would remain. Some form of legal/political conflict over the date would be expected. There would still be no time for adequate voter registration of the country, though 18 year olds could likely be registered. However, nationwide registration would still be needed for District Council elections, leading the IEC to believe that District Council

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elections are all but impossible even with a delay until next fall. There would be a bit more time for IEC and ECC reform but no additional time for real capacity building or changes to the Electoral Law. There would be additional time for vetting but without a major overhaul of the system for vetting, which also takes time, it is not clear that there would be enough. The traditional Afghan fighting season would have ended by fall, possibly making security easier to coordinate.

¶14. (S) The most drastic option, delaying all elections for two years, may be the best option for both GIROA and U.S. equities. In order to complete our mission in Afghanistan, we must build strong institutions. Time, will, and resources for some of this have at various points in the past been in short supply. With a nexus of all three of these key elements, now may be the last chance available to slow the process of Afghan capacity building down to a more appropriate pace.

¶15. (S) If we halt all elections for two years, a full civil registry could be done for a sustainable amount of money, according to multiple estimates. This civil registry would yield not only a voter roll, but also the population data necessary for far more accurate policy-making and development

programming. Candidate vetting organizations could be strengthened and databases on political actors could be built to allow for more rapid future vetting. Cases against some criminals could be built for possible prosecution and prevention of some egregious offenders from applying for candidacy. Internal procedures and organizational structures for both the IEC and the ECC could be examined, improved and Afghanized, wherever possible. The tenure of Chairman Ludin, who is unlikely to leave for any other reason, would end and the international community could work to prevent his re-appointment. There would be time for Parliament to pass an amended Electoral Law and for the legislation on the role of District Councils to pass. All of this will take major effort and focus. If these cannot be sustained, this option should not be attempted or else we risk disillusioning the Afghan electorate further.

Comment

¶16. (C) The IEC, given the constitutionally-mandated timeframe of elections in April or May, may have to announce the date publicly before the end of the year. Changing the way forward once a date has been announced will send the wrong signals, so a policy decision is needed soon.
EIKENBERRY